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Letter dated 27 February 2001 from the Permanent Representative of Morocco to the United Nations addressed to the President of the Security Council

I have the honour to transmit to you herewith a note on the position of the Kingdom of Morocco concerning developments in the referendum process in our southern provinces (Western Sahara). I should be grateful if you would have this note distributed to the members of the Security Council and circulated as a document of the Security Council (see annex).

(*Signed*) Ahmed **Snoussi**
Ambassador
Permanent Representative

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Annex to the letter dated 27 February 2001 from the Permanent Representative of Morocco to the United Nations addressed to the President of the Security Council

Following the adoption of the most recent Security Council resolution, the Government of the Kingdom of Morocco would like to provide some clarifications and reaffirm certain truths about the developments with respect to the question of Western Sahara since the adoption of the rules for the referendum. Certain parties are trying to mislead the United Nations and international public opinion in this regard.

To this end, it is important to recall that it was the Kingdom of Morocco, in a gesture of conciliation and goodwill, which proposed the organization of a referendum in a part of its territory which had been occupied by Spain and which was recovered in conformity with international law.

For the implementation of this referendum, the former Secretary-General, Mr Pérez de Cuellar, elaborated a settlement plan which was accepted by the parties and endorsed by the Security Council.

The adoption of the settlement plan was followed by a ceasefire on the ground, which the Kingdom of Morocco has scrupulously respected.

The settlement plan, supplemented by criteria for the identification of Saharans, is based on clear principles which, if strictly applied, would make it possible to hold a democratic and equitable referendum in which all Saharans would participate without discrimination.

Unfortunately, since the beginning of the referendum process, the adversaries of our territorial integrity have waged a virulent campaign against the identification of Saharans who were not in the territory at the time of the 1974 Spanish census, though they are well aware that many Saharans who fought against the Spanish colonists were in northern Morocco and Mauritania, while other Saharans had emigrated for economic reasons.

The Houston Agreements of 1997 were intended to settle, in part, the problem of identifying the tribal groups opposed by the other party. However, contrary to what has recently been claimed, these agreements could never be implemented because of the obstacles created by the other party. It was not until 1999 that the process was reactivated by the Secretary-General's decision in favour of the identification of these Saharans.

However, the other party's practices have rendered this decision meaningless by pursuing the aim, announced from the beginning of the process, of carrying out a restrictive and specially contrived referendum. Accordingly, a near majority of the candidates from these groups have been rejected.

The second agreed principle, that of impartiality, has also been flouted. The Saharans who gave evidence at the most recent debate of the General Assembly's Special Political and Decolonization Committee (Fourth Committee) and all those who have succeeded in fleeing from the Tindouf camps and returning to Morocco have clearly demonstrated and proved this point, since they once represented the other party at the Identification Commission.

Indeed, the sheikhs who recently changed their position, after having represented the other party at the Identification Commission, have given evidence that they were obligated not to fulfil their sworn duty and to deny their relatives the right to be identified.

Thus, the majority of the Saharan candidates presented for identification by the Moroccan party were rejected by the veto of the sheikhs of the other party, who had instructions to accept only Saharans included in the census. The mass rejection of Saharans residing in the territory led once again to an impasse in the referendum process.

Mr. Baker tried to revive the referendum process by seeking, along with the parties, solutions to the many problems of implementation. Three meetings -- two in London and one in Berlin -- were held for this purpose, but to no avail.

As the Security Council had asked us to try to resolve the multiple problems relating to the implementation of the referendum, we followed our usual practice of proposing logical corrective measures and realistic solutions and objectives with a view to the organization of an equitable and democratic referendum.

Following what were, unfortunately, fruitless efforts by Mr. Baker to find a fair solution to the problem of implementation, *the Security Council asked the Government of the Kingdom of Morocco to help find another solution*. In accordance with this request, contained in the last three resolutions, Morocco undertook, again as a sign of goodwill, to make a fair and sincere contribution.

We repeat that we are prepared to facilitate Mr. Baker's task and to explore further with him any proposals likely to ensure an equitable and lasting political settlement.

It should be added that this is not the first time the United Nations has envisaged another solution to overcome the tremendous problems and obstacles placed in the way of the settlement plan's implementation.

Indeed, Mr. Pérez de Cuellar's successor, Mr. Boutros Ghali, in his first report to the Security Council in February 1992, *had already asked that a new solution should be envisaged*, because of the rejection, by the adversaries of our territorial integrity, of the criteria which the Security Council had adopted for the identification of Saharans.

One year later, the same alternative, in addition to two others, was submitted to the Council to try once again to *overcome the obstacles created* and the systematic obstruction of the application of the identification criteria.

The Kingdom of Morocco recalls that it is, to say the least, unrealistic to attempt to reduce to the appeals process alone the many problems which have hampered the implementation of the settlement plan.

Before resorting to a new alternative, the Secretary-General had made tireless efforts to bring about the implementation of the rules established by the settlement plan and the identification criteria.

As the agreement of the parties was the basis for the plan's implementation, the Council had given Mr. Baker the task of trying to solve the various implementation problems in agreement with the parties. However, despite

considerable effort, it was unfortunately not possible to reach an agreement to reactivate the process.

As requested, Morocco presented, in the various meetings with Mr. Baker, solutions to all the problems encountered, which are not limited to the appeals process, as the Security Council has been officially notified.

Undoubtedly, the appeals constitute one problem, and no agreement has been reached on how to approach them.

Another problem is that of the refugees. No one can doubt the propriety of our demand for their repatriation and release from the camps where they are being held; unfortunately, however, no progress has been made in this regard.

Another problem is that of updating the lists of candidates who have reached the age of 18 and are entitled to vote; but no efforts have been made in this regard.

Yet another problem is that of the prisoners of war, who are treated as slaves and whose release has been sought by the International Committee of the Red Cross (ICRC) and the United Nations. However, the other party persists in linking their fate to the outcome of the process.

Lastly, it is necessary to reassess all the prejudices suffered by our candidates, in the light of the overwhelming testimony of the tribal chiefs who have decided to side with Morocco.

All these issues were at stake, without counting the many other problems engendered by the failure to respect the rules. None of these problems even came close to a solution, and the representative of the Secretary-General realized the impossibility of reaching concrete solutions to the logical and objective questions we had raised. This led him to recommend efforts to seek a political settlement.

While there are those who, with a view to holding a specially contrived referendum, are now seeking to reduce the problems in the plan's implementation to a single issue, ignoring the many other issues, the Kingdom of Morocco, for its part, wants to promote a lasting solution for all the members of a population of which one third has lived in torment for 25 years.

Nevertheless, at a time when the United Nations had exhausted all efforts to implement the settlement plan and had begun to seek other options, and on the eve of the Secretary-General's most recent report and of the consideration of developments in the situation, aggressive and hostile comments were made to thwart the efforts of the Secretary-General, Mr. Baker and the Security Council by affirming that war had been declared and that the ceasefire was no longer valid.

The Secretary-General's report duly noted all the aspects of this agitation, including the statements tending to call into question the basis for the referendum and the proven violations of the ceasefire.

We deplore these actions and statements, which have been reported in the press and have further hampered the efforts of the United Nations to seek a new means of ending this artificial conflict and the torment suffered by the refugees detained for more than a quarter of a century.

The Kingdom of Morocco denounces this dynamic of violence and war, which certain parties would like to rekindle at a time when the countries of the region aspire to peace, stability and well-being.

Furthermore, the Kingdom of Morocco is determined to fulfil all its responsibilities and safeguard its national sovereignty and territorial integrity, as it has done for centuries.

Lastly, Morocco reiterates its willingness to continue to cooperate fully with the Security Council, the Secretary-General and Mr. Baker, as announced and affirmed by the highest authorities of the Kingdom of Morocco.

New York, 27 February 2001